# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT for June 7, 2006 PLANNING COMMISSION MEETING

**P.A.S.#:** County Change of Zone #06030 Ponderoca Crossing Pre. Plat #06006

NOTE: This is a combined staff report for related items. This report contains a single background and analysis section for all items. There are separate conditions for each individual application.

**PROPOSAL:** Civil Design Group, has requested a Change of Zone and Preliminary Plat to create 7 lots on property generally located at the northwest corner of S. 38<sup>th</sup> and Martell Rd.

**WAIVER REQUEST:** Waivers of subdivision requirements of lot width to depth ratio and block length.

**LAND AREA:** 32.84 Acres net, more or less (33.74 acres gross, excluding RR ROW)

**CONCLUSION:** This is shown as agriculture in the 2025 Lincoln Lancaster County Comprehensive Plan, with a trail extension, and as vacant/agriculture in the 1976 Roca Comprehensive Plan. Therefore, the change of zone application and the related preliminary plat should be denied. Action by the Village of Roca should be the deciding factor since one half of this is in the Roca one mile jurisdiction. The waiver of block length and lot width to depth ratio appears justified due to the unusual splits of the land by the Rail Road Right of Way.

RECOMMENDATION:	Denial of the Change of Zone
	Denial of the Preliminary Plat
WAIVER REQUESTS	
- block length	Approval if the Plat is approved
- lot width to depth ratio	Approval if the Plat is approved

#### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The SE 1/4 of the SE 1/4 of Section 19, T8N, R7E, in the 6th P.M., Lancaster County, Nebraska, excluding R. O. W. (Legal descriptions attached).

**LOCATION:** Northwest of the corner of S. 38th & Martell Rd.

**EXISTING ZONING:** AG Agriculture in the Lancaster County Jurisdiction, AGX in the Roca Jurisdiction

**EXISTING LAND USE:** farm land

#### SURROUNDING LAND USE AND ZONING:

North: Agriculture and Rocaberry farms, zoned AGX

South: Agriculture and some acreages along Martell Road, zoned AG.

East: Agriculture, zoned AG

West: Agriculture, zoned AG and AGX (39 acre lot size) in the Roca Jurisdiction

**ASSOCIATED APPLICATIONS:** County Change of Zone # 06030 and Preliminary Plat # 06006 are related. A change of zone and plat must also be approved by Roca.

**HISTORY:** Changed from AA Rural and Public Use to AG Agriculture in the 1979 zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Plan shows this as Agriculture. This is outside the Lincoln growth Tiers. The 2025 Comprehensive Plan states:

Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot) and AGR - Agricultural Residential District (minimum of 3 acres per lot) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies (F 70)

Acknowledge the "Right to Farm" and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages (F 70)

Retain the current overall density of 32 dwellings per square mile (20 acre) for all agriculturally zoned land. Provide for an ability to divide two 3 acre lots per "40" acre parcel with conditions and administrative review and right of appeal. This would allow more flexibility for parcel size while retaining the overall density and assist in retaining farmable units of land. (F 70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F 70)

Development of a performance standard "point system" will allow the location of higher density rural acreage development in either "AG" or "AGR" where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient "points" can be accumulated to

justify the development at the requested location." (F 71)

The Roca Comprehensive Plan shows this area as "Vacant/Agricultural". This request appears to be in conflict with the Roca Comprehensive Plan. However, the Roca Planning Commission recommended approval at their May 23 meeting.

#### **SPECIFIC INFORMATION:**

**UTILITIES:**. This is in the Lancaster Rural Water District. Rural Water is proposed. Individual waste disposal is proposed.

**TOPOGRAPHY:** Rolling, sloping down to the northeast.

**TRAFFIC ANALYSIS:** This area is served by Martell Rd. and S. 38<sup>th</sup> Street. Both are gravel county roads.

**PUBLIC SERVICE:** This is in the Hickman Rural Fire District and the Norris School District. This is served by the Lancaster County Sheriffs Department. This is in the Norris Public Power District. The Fire Station is located in Hickman, about three miles distant, providing basic life support service.

**REGIONAL ISSUES:** Expansion of the acreage areas. "Matching" of town zoning and plans. Protection of floodplain, trails and environmental areas. .

**ENVIRONMENTAL CONCERNS:** There are no identified historic or ecological resources on this site. The soil rating on this land is 5.0 on a scale of 1 to 10 where 1 to 4 are prime. This is not prime ag land. There is no FEMA mapped flood plain. No animal confinement was noted in the immediate area. The Mo Pac Rail line is closed but may reopen and contains fiber optic easements. The former Union Pacific Rail Line is the location of the Homestead Trail to Beatrice.

#### **AESTHETIC CONSIDERATIONS:** n/a

**ALTERNATIVE USES:** Continued farming or one residential lot.

#### **ANALYSIS:**

- 1. This request is for a Change of Zone from AG to AGR (in both the Lancaster County and Roca jurisdictions) and a Preliminary Plat for 7 dwellings. Gravel interior public streets are proposed.
- 2. This is in split jurisdiction between Roca and Lancaster County. About the north ½ is in the Roca one mile jurisdiction and the south ½ is in Lancaster County jurisdiction.

- 3. The area in Roca's jurisdiction requires Village approval to a change of zone and the plat. The Roca AGR zoning district (amended) and the Lancaster County AGR require a minimum lot area of three (3) acres. Lots of split jurisdiction must meet both zoning and subdivision regulations of the village and county.
- 4. Lancaster Rural Water and individual sewage disposal is proposed. Lancaster Rural Water District #1 has approved the application.
- 5. This request is <u>not</u> in conformance with either the Lincoln-Lancaster County Comprehensive Plan map which shows this as Agriculture or the Comprehensive Plan of the Village of Roca. A response from Roca on this application has not been received at this time. Parallel applications have been made and it is our understanding that the Village of Roca Planning Commission recommended approval at their meeting of May 23, 2006.
- 6. This is a very unusual parcel, being a "short 40" that is crisscrossed by abandoned rail road right of way, creating four separate parts. The design of this application is driven by the unique land circumstances. It has been suggested that the Outlots A and B could be integrated into the Homestead Trail as a railhead and rest stop.
- 7. The applicant is requesting waivers of the 1,320' block length and to the three to one lot depth to width ratio. If the plat is approved, the waivers would be justified.
- 8. The Health Department notes that the applicant has adequately addressed water and wastewater issues.
- 9. The County Engineer letter of May 2, 2006, notes several minor adjustments.
- 10. Norris Public Power notes the easements are acceptable though tree masses may have to be crossed.
- 11. The County and Roca jurisdictions now have the same AGR density of 3 acres. The change of zone to AGR by both jurisdictions would permit about 10 dwellings.
- 12. Some acreage review issues can be addressed in this report:
  - a) Water/rural water,

This is in the rural water district and district service is proposed.

- b) Road access and paving,
  Martell Road and South 38<sup>th</sup> Street are gravel County roads.
- c) Soil rating,

The soil is not prime agland of the county.

d) Development of the area/land parcelization,

The land around this application is largely in 20, 40 and larger parcels.

e) Existing acreages,

Land to the south has some acreages on large lots. Land to the north east of the section is in an AG CUP resulting in a cluster of three acre lots along S. 25<sup>th</sup> Street.

f) Conflicting farm uses,

There are no conflicting farm uses noted in a field check.

g) Environmental issues,

There is no flood plain on the site. There are tree masses along the drainage ways and the abandoned rail line.

h) Impact on other governmental entities,

This will increase demand for service on the Sheriff, Rural Fire, School and others. The level of impact is not known.

i) Plans of other towns,

This is split about in half by the one mile jurisdiction of Roca. This application appears to be in conflict with the Village of Roca Comprehensive Plan.

- 13. Lot 5, Block 1 may be used for any permitted use in the AGR district, including a residence or a horse stable.
- 14. About one half of this parcel is in the Roca jurisdiction. County policy has been to generally follow the decision of the impacted town in these types of circumstances, thus, if Roca approves this application the county should mirror their action and approve this request.

#### **CONDITIONS FOR PRELIMINARY PLAT #06006:**

#### Site Specific:

- 1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the County Board agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Make the corrections requested by the County Engineer in his letter of May 2, 2006.

- 1.2 Revise the site plan to show:
  - 1.2.1 Remove the "Outlot" designation on Lot 5.
  - 1.2.2 Clearly show the common access to S. 38<sup>th</sup> Street and the access from Lot 4, Block 1 to Martell Road.
  - 1.2.3 Note Homestead Trail on the plan.
  - 1.2.4 Amend Note #2 to clarify Lot 5, Block 1 is not an outlot but a buildable lot for permitted uses which may include a common horse stable.
  - 1.2.5 Revise Note 13 to include lot width to depth ratio and block length.
  - 1.2.6 Add a note to indicate the common names of the trees in the tree masses shown.
- 2. The County Board and/or Village of Roca approves associated requests:
  - 2.1 Approval of Change of Zone # 06030 for AGR.
  - 2.2 A waiver to the lot width to depth ratio since the area is of a unique and unusual nature.
  - 2.3 A modification to the requirements of the land subdivision ordinance to permit a block length in excess of 1320' where needed in the plat.
  - 2.4 Approval by the Village of Roca of the required change of zone, waivers and plat approval.

#### General:

- 3. Final Plats will be approved by the Planning Director after:
  - 3.1 Streets, community water facilities, community sewer facilities, drainage facilities, temporary turnarounds and barricades, and street name signs have been completed, unless waived.
  - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
    - 3.2.1 To submit to the County Engineer an erosion control plan.

- 7
- 3.2.2 To protect the remaining trees on the site during construction and development.
- 3.2.3 To submit to lot buyers and home builders a copy of the soil analysis.
- 3.2.4 To complete the private improvements shown on the preliminary plat.
- 3.2.5 To relinquish the right of direct vehicular access to S. 38<sup>th</sup> St except for the common access to Block 2, and to Martell Road except for S. 35<sup>th</sup> Street and Lot 4, Block 1.
- 3.2.6 To maintain County roads until the County Board specifically accepts the maintenance.
- 3.2.7 To comply with the provisions of the Land Subdivision Ordinance\Resolution regarding land preparation.
- 3.3 Roca has approved the final plat.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@ci.lincoln.ne.us Planner May 24, 2006

**APPLICANT:** Monte & Lisa Froehlich

1320 P Street Lincoln, NE 68508

475-8776

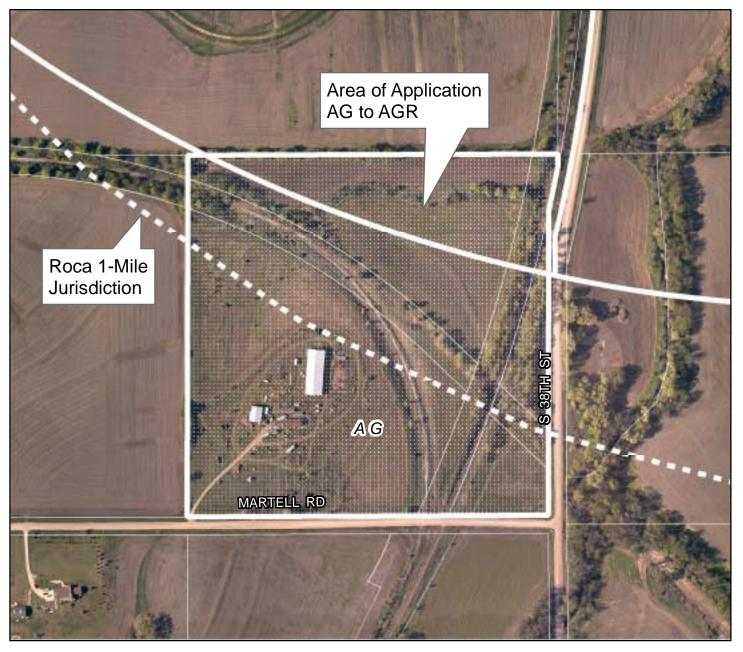
**CONTACT:** Darrick Rademacher

Civil Design Group, Inc 3901 Normal Blvd, Ste 203

Lincoln, NE 68506 (402) 434-8493

**OWNER:** Safe Harbor Eat XVIII, LLC

1320 "P" Street Lincoln, NE 68508 (402) 475-8776



## Change of Zone # 06030 S 38th St & Martell Rd

2005 aerial

### **Zoning:**

R-1 to R-8 Residential District Agricultural District AGR Agricultural Residential District R-C Residential Convervation District Office District 0-2 Suburban Office District 0-3 Office Park District Residential Transition District R-T B-1 Local Business District Planned Neighborhood Business District B-2 Commercial District Lincoln Center Business District Planned Regional Business District H-1 Interstate Commercial District Highway Business District H-2 H-3 Highway Commercial District

General Commercial District

**Employment Center District** 

Industrial District Industrial Park District

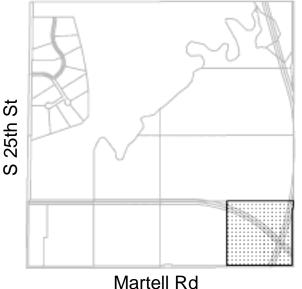
Public Use District

One Square Mile Sec. 19 T08N R07E



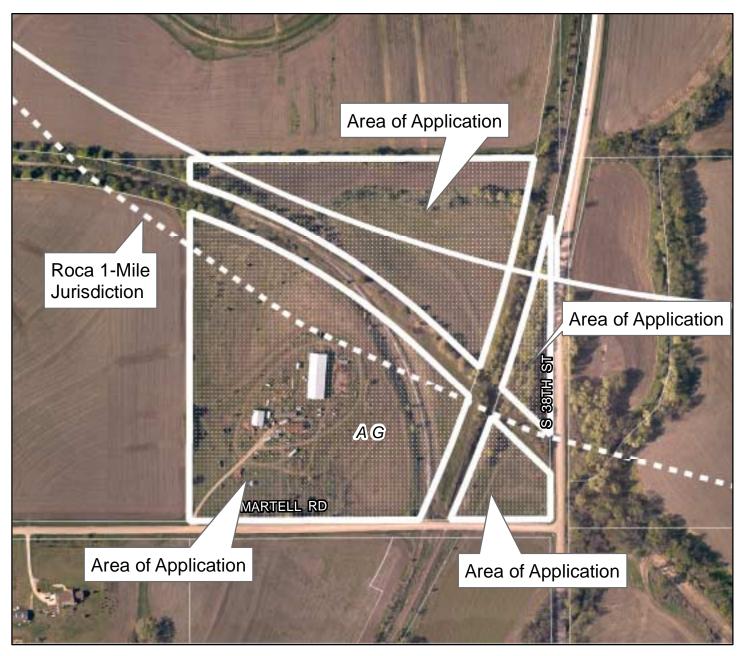
Zoning Jurisdiction Lines

City Limit Jurisdiction



Roca Rd

S 38th St



### County Preliminary Plat #06006 Ponderoca Crossing S 38th St & Martell Rd

### **Zoning:**

R-1 to R-8 Residential District Agricultural District AGR Agricultural Residential District R-C Residential Convervation District 0-1 Office District 0-2 Suburban Office District Office Park District 0-3 Residential Transition District R-T Local Business District B-1 Planned Neighborhood Business District B-2 Commercial District Lincoln Center Business District Planned Regional Business District H-1 Interstate Commercial District Highway Business District H-2 Highway Commercial District H-3 H-4 General Commercial District

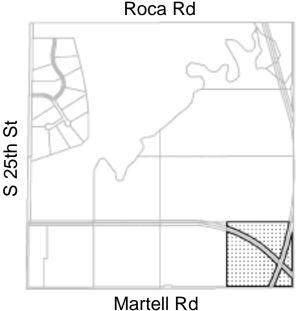
One Square Mile Sec. 19 T08N R07E



Zoning Jurisdiction Lines

City Limit Jurisdiction

2005 aerial

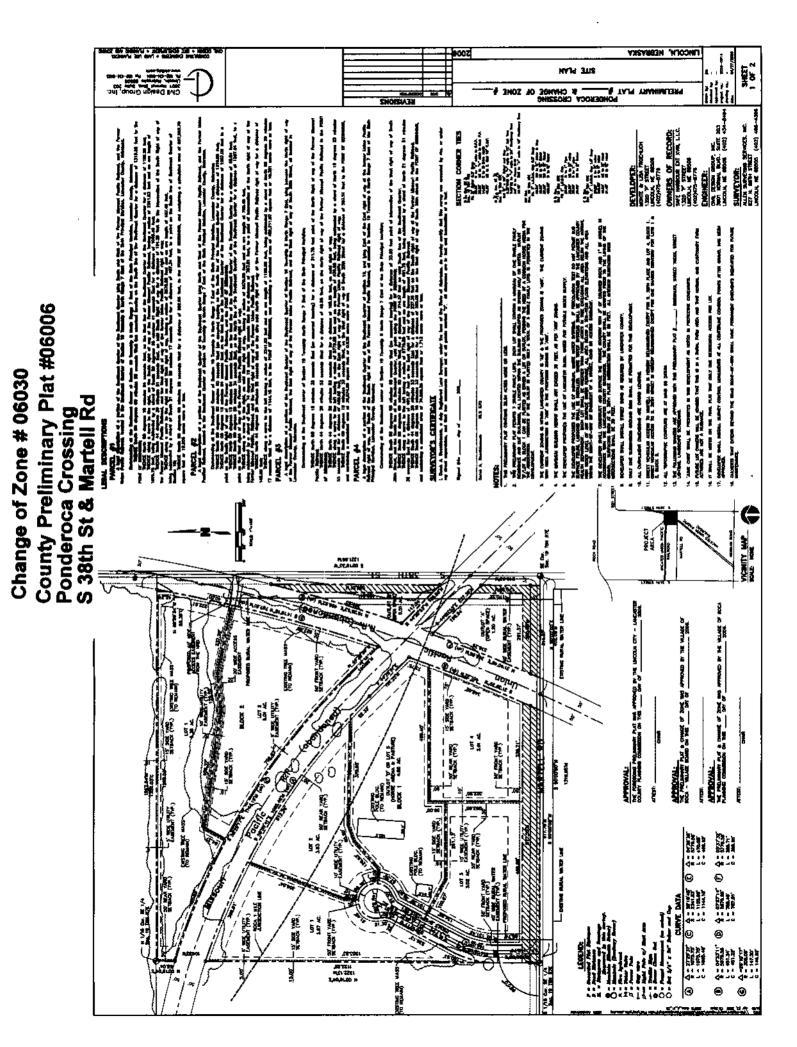


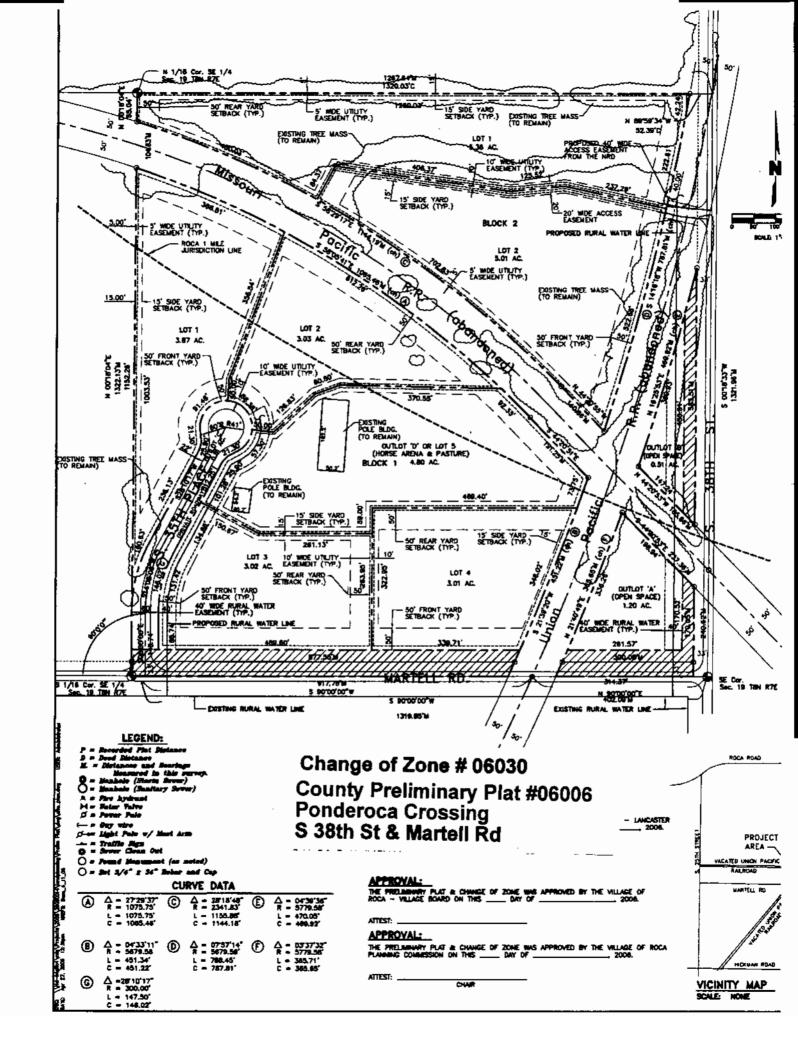
S 38th St

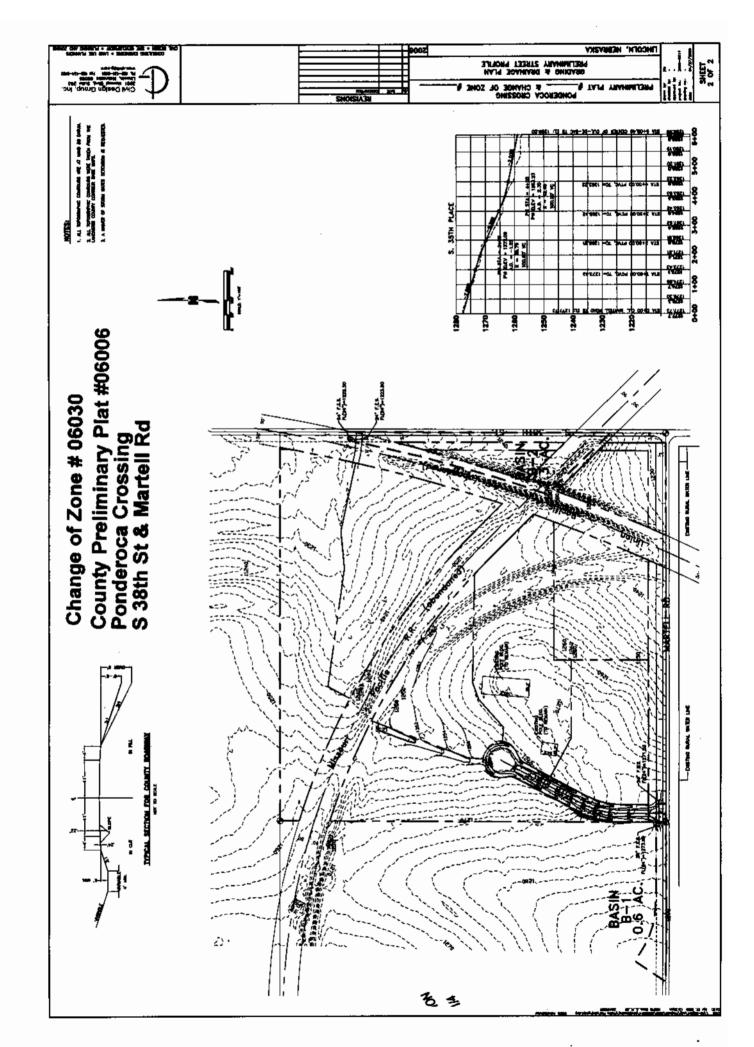
Industrial District Industrial Park District

Public Use District

**Employment Center District** 



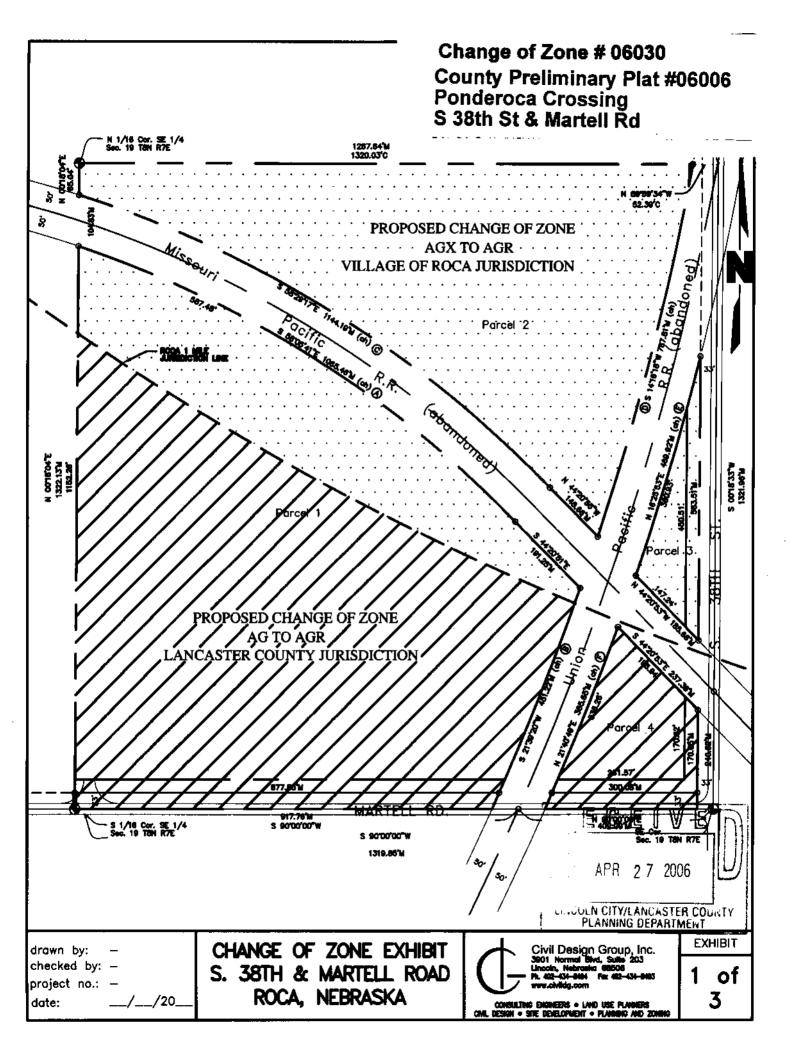




#### NOTES:

- 1. THIS PRELIMINARY PLAT CONTAINS 32.84 ACRES MORE OR LESS.
- 2. THIS PRELIMINARY PLAT PERMITS 7 SINGLE FAMILY LOTS. EACH LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE AND OUT BUILDINGS, ALL LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND/ OR NOTED. OUTLOT 'D'/LOT 5, BLOCK 1 CAN BE PLATTED AS EITHER A LOT OR OUTLOT, PENDING THE NEED OF A COMMON HORSE ARENA FOR THE ASSOCIATION. HOWEVER IF THE OUTLOT IS PLATTED ONLY A TOTAL OF 6 SINGLE FAMILY LOTS IS PERMITTED IN THE DEVELOPMENT.
- 3. THE CURRENT ZONING IS WITHIN LANCASTER COUNTY IS 'AG' & THE PROPOSED ZONING IS 'AGR'. THE CURRENT ZONING WITH ROCA JURISDICTION IS 'AGK' & THE PROPOSED ZONING IS 'AGR'.
- 4. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 35 FEET, AS PER 'AGR' ZONING.
- 5. THE DEVELOPER PROPOSES THE USE OF LANCASTER RURAL WATER FOR POTABLE WATER SUPPLY.
- 6. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WASTE WATER SYSTEMS. IF PERCOLATION TEST DO NOT PERMIT SUB SURFACE FIELDS, LAGOONS SHALL BE INSTALLED. WASTE WATER SYSTEMS SHALL BE APPROVED BY THE LANCASTER COUNTY HEALTH DEPARTMENT. EACH LOT SHALL BE GREATER THAN THREE ACRES IN SIZE EXCLUDING ALL AREA BELOW THE NORMAL HIGH WATER LEVEL OF ANY SURFACE WATER FEATURE, ALL AREA BELOW A TEN-YEAR FLOOD ELEVATIONS AND ALL AREA WITHIN THE RIGHT-OF-WAY OR EASEMENT OF A STREET, ROAD OR ACCESS EASEMENT.
- 7. THE DEVELOPER SHALL CONSTRUCT AND SURFACE THE PRIVATE ROADWAY WITH 3" OF CRUSHED ROCK AND 1" OF GRAVEL IN ACCORDANCE WITH THE LANCASTER COUNTY STANDARDS. THE COUNTY SHALL BE NOTIFIED PRIOR TO THE LAYING OF THE GRAVEL SURFACING RADII AT S. 35TH PLACE INTERSECTION SHALL BE 50 FEET. ALL INTERIOR SURFACING RADII INTERSECTIONS SHALL BE 30 FEET.
  - 8. DEVELOPER SHALL INSTALL STREET SIGNS AS REQUIRED BY LANCASTER COUNTY.
  - 9. ONLY ONE SUBDIVISION GROUND SIGN SHALL BE PERMITTED FOR THIS DEVELOPMENT.
  - 10. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
  - 11. DIRECT VEHICULAR ACCESS TO MARTELL ROAD IS HEREBY RELINQUISHED EXCEPT FOR S. 35TH PLACE AND LOT 4, BLOCK 1. DIRECT VEHICULAR ACCESS TO S. 36TH STREET IS HEREBY RELINQUISHED EXCEPT FOR ONE SHARED DRIVEWAY FOR LOTS 1 & 2, BLOCK 2.
  - 12. ALL TOPOGRAPHIC CONTOURS ARE AT NAVD 88 DATUM.
  - 13. THE FOLLOWING WAVERS ARE APPROVED WITH THIS PRELIMINARY PLAT #\_\_\_\_\_\_: SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENING.
  - 14. 'JUNK CARS' SHALL BE PROHIBITED IN THIS DEVELOPMENT AS NOTED IN PROTECTIVE COVENANTS.
  - 15, FUTURE LOT OWNERS WILL BE ADVISED THAT THIS IS IN A RURAL FARM AREA AND THAT NORMAL AND CUSTOMARY FARM ACTIVITIES ARE NOT A NUISANCE.
  - 16. IT SHALL BE NOTED ON THE FINAL PLAT THAT ONLY ONE RESIDENTIAL ACCESS PER LOT.
  - 17. DEVELOPER SHALL INSTALL SURVEY CONTROL MONUMENTS AT ALL CENTERLINE CONTROL POINTS AFTER GRAVEL HAS BEEN APPROVED.
  - 18. CULVERTS THAT EXTEND BEYOND THE ROAD RIGHT-OF-WAY SHALL HAVE PERMANENT EASEMENTS DEDICATED FOR FUTURE MAINTENANCE.

Change of Zone # 06030 County Preliminary Plat #06006 Ponderoca Crossing S 38th St & Martell Rd



# PROPOSED CHANGE OF ZONE AG TO AGR LANCASTER COUNTY JURISDICTION

#### Parcel #1

A legal description of a portion of the Southeast Quarter of the Southeast Quarter tying South and West of the Former Missouri Pacific Railroad, and the Former Union Pacific Railroad, located in the Southeast Quarter of Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebroska.

Commencing at the Southeast Corner of Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska;

THENCE South 90 degrees 00 minutes 00 seconds West (an assumed bearing on the South line of the Southeast Quarter for a distance of 1319.85 feet to the POINT OF BEGINNING;

THENCE North 00 degrees 18 minutes 04 seconds East, on the West line of the Southeast Quarter of the Southeast Quarter for a distance of 973.92 feet;

THENCE along a curve to the left, having a radius of 5899.61 feet and an arc length of 1169.14 feet, being subtended by a chord of South 61 degrees 43 minutes 44 seconds East for a distance of 1167.23 feet to the West right of way of the former Union Pacific Railroad right of way;

THENCE along a curve to the right on said West right of way, having a radius of 5679.58 feet and an arc length of 454.26 feet, being subtended by a chord of South 22 degrees 00 minutes 20 seconds West for a distance of 454.14 feet, to a point on the South line of Southeast Quarter of Section 19;

THENCE South 90 degrees 00 minutes 00 seconds West for a distance of 862.96 feet, to the POINT OF BEGINNING, and containing a calculated area of 662,521.74 square feet or 15.21 acres more or less.

#### Parcel #4

A legal description of a portion of the Southeast Quarter of the Southeast Quarter of Section 19, and lying East of the East right of way of the former Union Pacific Railroad right of way, and South of the South right of way of the Former Missouri Pacific Railroad, all located in Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska;

Commencing at the Southeast corner of Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian;

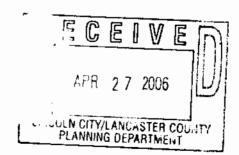
THENCE South 90 degrees 00 minutes 00 seconds West (an assumed bearing) for a distance of 33.00 feet point of intersection of the West right of way of South 38th Street, and the South line of the Southeast Quarter, said point being the POINT OF BEGINNING:

THENCE South 90 degrees 00 minutes 00 seconds West for a distance of 314.37 feet on said South line of the Southeast Quarter;

THENCE along a curve to the left having a radius of 5779.58 feet and an arc length of 401.75 feet, being subtended by a chord of North 21 degrees 51 minutes 32 seconds East for a distance of 401.67 feet on the East right of way of the former Missouri Pacific Railroad;

THENCE South 44 degrees 20 minutes 53 seconds East for a distance of 237.36 feet on the South right of way of the Former Missouri Pacific Rallroad;

THENCE South 00 degrees 18 minutes 33 seconds West for a distance of 203.05 feet on the West right of way of South 25th street to the POINT OF BEGINNING, and containing a calculated area of 74,599.58 square feet or 1.713 acres more or less.



drawn by: jds checked by: -

project no.: 2006-0014 date: 03/15/2006 CHANGE OF ZONE EXHIBIT S. 38TH & MARTELL ROAD ROCA, NEBRASKA



Civil Design Group, Inc. 3901 Normal Bivd, Suite 203 Uncoln, Nebranko 68608 Pt. 483-431-644 Par 483-431-6463

CONSULTING ENGNEERS + LAND USE PLANNERS
CWL DESIGN + SITE DEVELOPMENT + PLANNERS AND 200800

EXHIBIT

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### PROPOSED CHANGE OF ZONE AGX TO AGR VILLAGE OF ROCA JURISDICTION

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APR 27 2006

#### Parcel #2

A legal description of a portion of the Southeast Quarter of the Southeast Quarter lying North and West of the Township Education of the Southeast Quarter of Section 19 Township Education of the Sixth Principal Meridian, Lancaster County, Nebraska.

Commencing at the Southeast Corner of Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska;

THENCE South 90 degrees 00 minutes 00 seconds West (an assumed bearing on the South line of the Southeast Quarter for a distance of 1319.85 feet:

THENCE North 00 degrees 18 minutes 04 seconds East on the West line of the Southeast Quarter of the Southeast Quarter for a distance of 1257.09 feet to a point on the South right of way of the Former Missouri Pacific Railroad, and the POINT OF BEGINNING;
THENCE North 00 degrees 18 minutes 04 seconds East, on the West line of the Southeast Quarter of the Southeast Quarter for a distance of 65.04 feet:

THENCE South 89 degrees 59 minutes 34 seconds East, on the North line of the Southeast Quarter of the Southeast Quarter for a distance of 1267.64 feet, to a point on the West right of way of the Former Union Pacific Railroad right of way;

THENCE along a curve to the right, on said West right of way, having a radius of 5679.58 feet and an arc length of 788.45 feet, being subtended by a chord of South 14 degrees 16 minutes 18 seconds West for a distance of 787.81 feet, to a point of intersection of the North right of way of the Former Missouri Pacific, Railroad, and the West right of way of the Former Union Pacific Railroad;

THENCE North 44 degrees 20 minutes 55 seconds West on the afro said North right of way of the Former Missouri Pacific Railroad right of way for a distance of 140.66 feet;

THENCE along a curve to the left having a radius of 2341.83 feet and an arc length of 1155.88 feet, being subtended by a chord of North 58 degrees 29 minutes 17 seconds West for a distance of 1144.18 feet, to the POINT OF BEGINNING, and containing a calculated area of 452,211.97 square feet or 10.381 acres more or less.

#### Parcel #3

A legal description of a portion of the Southeast Quarter of the Southeast Quarter of Section 19 Township 8 North Range 7 East, lying between the North right of way of the Former Missouri Pacific Railroad, the East right of way of the Former Union Pacific Railroad, and the West right of way of South 38th Street, all located in Lancaster County, Nebraska.

Commencing at the Southeast corner of Section 19 Township North Range 7 East of the Sixth Principal Meridian;

THENCE North 00 degrees 18 minutes 33 seconds East (an assumed bearing) for a distance of 311.75 feet point of the North Right of way of the Former Missouri Pacific Railroad;

THENCE North 44 degrees 20 minutes 53 seconds West for a distance of 46.95 feet, on the North right of way of the Former Missouri Pacific Railroad to the POINT OF BEGINNING;

THENCE North 44 degrees 20 minutes 53 seconds West for a distance of 185.66 feet, on said right of way;

THENCE along a curve to the left having a radius of 5779.58 feet and an arc length of 470.05 feet, being subtended by a chord of North 16 degrees 25 minutes 53 seconds East for a distance of 469.92 feet, on the East right of way of the Former Union Pacific Railroad right of way;

THENCE South 00 degrees 18 minutes 33 seconds West, on the West right of way of South 25th Street for a distance of 583.51 feet to the POINT OF BEGINNING, and containing a calculated area of 36,574.59 square feet or 0.839 acres more or less.

#### Parcel #1

A legal description of a portion of the Southeast Quarter of the Southeast Quarter lying South and West of the Former Missouri Pacific Railroad, and the Former Union Pacific Railroad, located in the Southeast Quarter of Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska.

Commencing at the Southeast Comer of Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska;

THENCE South 90 degrees 00 minutes 00 seconds West (an assumed bearing on the South line of the Southeast Quarter for a distance of 1319.85 feet; distance of 1319.85 feet;

THENCE North 00 degrees 18 minutes 04 seconds East, on the West line of the Southeast Quarter of the Southeast Quarter for a distance of 973.92 feet; to the POINT OF BEGINNING:

CONTINUING North 00 degrees 18 minutes 04 seconds East, on the West line of the Southeast Quarter of the Southeast Quarter for a distance of 178.34 feet;

THENCE along a curve to the right, on the South right of way of the Former Missouri Pacific Railroad, having a radius of 2241.83 feet and an arc length of 1075.75 feet, being subtended by a chord of South 58 degrees 05 minutes 41 seconds East for a distance of 1065.46

feet;
THENCE South 44 degrees 20 minutes 51 seconds East, on said South Right of way for a distance of 191.25 feet to the intersection of the South Right of way of the Former Missouri Pacific Railroad, and the West right of way of the former Union Pacific Railroad right of way;

THENCE along a curve to the right on said West right of way, having a radius of 5679.58 feet and an arc length of 33.23 feet, being subtended by a chord of South 19 degrees 32 minutes 45 seconds West for a distance of 33.23 feet, to a point on the South line of Southeast Quarter of Section 19;

THENCE along a curve to the right, having a radius of 5899.61 feet and an arc length of 1169.14 feet, being subtended by a chard of North 61 degrees 43 minutes 44 seconds West for a distance of 1167.23 feet, to the POINT OF BEGINNING, and containing a calculated area of 204,561.15 square feet or 4.70 acres more or less.

drawn by: jds checked by: -

project no.: 2006-0014

date: 03/15/2006

CHANGE OF ZONE EXHIBIT S. 38TH & MARTELL ROAD ROCA, NEBRASKA



CONSULTING ENGINEERS + LAND USE PLANNERS
CML DESIGN + SITE DEVELOPMENT + PLANNERS AND 2018HIS

EXHIBIT

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#### LEGAL DESCRIPTIONS

PARCEL #1

A legal description of a portion of the Southeast Quarter of the Southeast Quarter lying South and West of the Former Missouri Pacific Railroad, and the Former Union Pacific Railroad, located in the Southeast Quarter of Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska.

Commencing at the Southeast Corner of Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska;
THENCE South 90 degrees 00 minutes 00 seconds West (an assumed bearing on the South line of the Southeast Quarter for a distance of 1319.85 feet to the POINT OF BEGINNING;

IT OF BEDRANO;
THENCE North 00 degrees 18 minutes 04 seconds East, on the West line of the Southeast Quarter of the Southeast Quarter for a distance of 1152.26 feet;
THENCE along a curve to the right, on the South right of way of the Former Missouri Pacific Rallroad, having a radius of 2241.83 feet and an arc length of
5.75 feet, being subtended by a chard of South 56 degrees 05 minutes 41 seconds East for a distance of 1055.46 feet;
THENCE South 44 degrees 20 minutes 51 seconds East, on soid South Right of way for a distance of 191.25 feet to the Intersection of the South Right of way of
Former Missouri Pacific Railroad, and the West right of way of the former Union Pacific Railroad right of way:
THENCE slang a curve to the right on sold West right of way, having a radius of 5679.58 feet and on arc length of 487.49 feet,
ig subtended by a chord of South 21 degrees 50 minutes 17 seconds West for a distance of 487.34 feet, to a point on the South line of Southeast Quarter of

THENCE South 90 degrees 00 minutes 00 seconds West for a distance of 862.96 feet, to the POINT OF BEGINNING, and containing a calculated area of 867,083.78 square feet or 19.906 acres more or less.

PARCEL #2

A legal description of a portion of the Southeast Quarter of the Southeast Quarter lying North and West of the Former Missouri Pacific Railroad, and the Former Union Pacified Railroad, located in the Southeast Quarter of Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska.

Commencing at the Southeast Corner of Section 19 Township & North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska; Commencing at the Southeast Corner of Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian, Loncaster County, Nebraska;
THENCE South 90 degrees 00 minutes 00 seconds West (an assumed bearing on the South line of the Southeast Quarter for a distance of 1319.85 feet;
THENCE North 00 degrees 18 minutes 04 seconds East on the West line of the Southeast Quarter of the Southeast Quarter for a distance of 1257.09 feet to a clint on the South 100 degrees 18 minutes 04 seconds East, on the West line of the Southeast Quarter of the Southeast Quarter for a distance of 65.04 feet;
THENCE South 89 degrees 59 minutes 34 seconds East, on the North line of the Southeast Quarter of the Southeast Quarter for a distance of 1267.64 feet, to a clint on the West right of way of the Former Union Pacific Rallroad right of way;
THENCE clong a curve to the right, on said West right of way, having a radius of 5679.55 feet and an arc length of 758.45 feet, sing subtanded by a chard of South 14 degrees 16 minutes 18 seconds West for a distance of 787.81 feet, to a point of Intersection of the North right of way of the former Union Pacific Rallroad;
THENCE North 44 degrees 20 minutes 55 seconds West on the afro said North right of way of the Former Missouri Pacific Rallroad right of way for a distance of 40.66 feet:

140.66 feet: THENCE along a curve to the left having a radius of 2341.83 feet and an arc length of 1155.88 feet, being subtended by a chard of North 58 degrees 29 minutes 17 seconds West for a distance of 1144.18 feet, to the POINT OF BEGINNING, and containing a calculated area of 452,211.97 square feet or 10.381 acres more or less.

PARCEL #3

A legal description of a portion of the Southeast Quarter of the Southeast Quarter of Section 19 Township 8 North Range 7 East, lying between the North right of way of the Farmer Missouri Pacific Railroad, the East right of way of the Former Union Pacific Railroad, and the West right of way of South 38th Street, all located in Lancaster County, Nebraska.

Commencing at the Southeast corner of Section 19 Township North Range 7 East of the Sixth Principal Meridian;

THENCE North 00 degrees 18 minutes 33 seconds East (an assumed bearing) for a distance of 311.75 feet point of the North Right of way of the Former Missouri THENCE North 44 degrees 20 minutes 53 seconds West for a distance of 48.95 feet, on the North right of way of the Former Missouri Pacific Railroad to the PORT

OF BEGINNING;
THENCE North 44 degrees 20 minutes 53 seconds West for a distance of 185.66 feet, on said right of way;
THENCE clong a curve to the left having a radius of 5779.58 feet and an arc length of 470.05 feet, being subtended by a chord of North 16 degrees 25 minutes
53 seconds East for a distance of 488.92 feet, on the East right of way of the Former Union Pacific Rollroad right of way;
THENCE South 00 degrees 18 minutes 33 seconds West, on the West right of way of South 25th Street for a distance of 583.51 feet to the POINT OF BEGINNING, and containing a calculated area of 36,574.59 square feet or 0.839 acres more or less;

PARCEL #4

A legal description of a portion of the Southeast Quarter of the Southeast Quarter of Section 19, and lying East of the East right of way of the former Union Pacific Railroad right of way, and South of the South right of way of the Former Missouri Pacific Railroad, all located in Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska;

Commencing at the Southeast corner of Section 19 Township 8 North Range 7 East of the Sixth Principal Meridian;

THENCE South 80 degrees 00 minutes 00 seconds West (an assumed bearing) for a distance of 33.00 feet point of intersection of the West right of way of South 38th Street, and the South line of the Southeast Quarter, soid point being the POINT OF BEDINAMIC;
THENCE South 90 degrees 00 minutes 00 seconds West for a distance of 314.37 feet on said South line of the Southeast Quarter;
THENCE south 90 degrees 00 minutes 00 seconds West for a distance of 314.37 feet on said South line of the Southeast Quarter;
THENCE south 40 degrees 01 minutes 51 seconds East for a distance of 401.75 feet, being subtended by a chord of North 21 degrees 51 minutes
THENCE South 44 degrees 20 minutes 53 seconds East for a distance of 237.36 feet on the South right of way of the Former Missouri Pacific Rollroad;
THENCE South 00 degrees 18 minutes 33 seconds West for a distance of 203.05 feet on the West right of way of South 25th street to the POINT OF BEGINNING, and containing a calculated area of 74,599.58 square feet or 1.713 acres more or less.

Change of Zone # 06030 County Preliminary Plat #06006 **Ponderoca Crossing** S 38th St & Martell Rd





# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

April 27, 2006

Mr. Marvin Krout
Director of Planning
City of Lincoln /Lancaster County
555 South 10<sup>th</sup> Street, Room 213
Lincoln, NE 68508

Re: Ponderoca Crossings - Preliminary Plat

S. 38th & Martell Road CDG Project No. 2006-0014

#### Dear Marvin:

On behalf of Monte & Lisa Froehlich, we submit the above mentioned application for your review. Ponderoca Crossings is an application for a Change of Zone from 'AG' to 'AGR' and for a Preliminary Plat. Our proposed development lies half in your jurisdiction and the other half lies in the Village of Roca's Jurisdiction. We are also submitting to the Village of Roca an application for a Change of Zone for 'AGX' to 'AGR' and for a Preliminary Plat for the lots that line within their jurisdiction.

We are showing a potential of 7 single family acreage lots, containing a minimum of 3.01 acres. Two of these lots are completely in Lancaster County's jurisdiction and a portion of 3 lots lie in both Roca and Lancaster's jurisdiction with the remaining two lots contained within Roca's jurisdiction. Each lot will be served by Lancaster Rural Water and individual septic systems. The private roadways will be constructed to meet Lancaster County design standards.

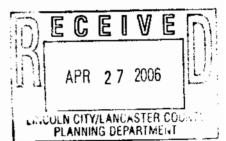
We are requesting this change of zone because the remnant parcel outside of Roca's jurisdiction is not good for farming purposes and will be adjacent to acreage style lots in Roca's jurisdiction. There is an existing trailer home on the site, which the owner plans to move off the site once the previous owners have vacated. There are two pole sheds which will remain on site.

We will also be working with the Lower Platte South Natural Resources District to secure a driveway access easement instead of a current field access easement for Lots 1 and 2, Block 2.

In conjunction with this submittal we submit the following information:

16 copies of Sheet 1 of 2
8 copies of Sheet 2
Application for a Preliminary Plat & Change of Zone
Application Fees
Certificate of Ownership
Copy of the Letter from Lancaster County Rural Water District
3 copies of Preliminary Soils Analysis

Ilminary Soils Analysis 3901 Normal Blvd, Ste 203, Lincoln, Nebraska 68506 Office: 402.434.8494 Fax: 402.434.8493 www.civildg.com



8-1/2" x 11" reductions of the plans. Change of Zone Exhibit & Legal Copy of the Letter to the Lower Platte South Natural Resources District

I hope that this letter in conjunction with the plans provide you with enough information to review. In an effort to facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert gras

Encl/jds

cc: Monte & Lisa Froehlich Village of Roca McIntyre Consulting 4131 So. 38<sup>th</sup> Street Lincoln, NE 68506 (402) 489-4994

April 3, 2006

Mr. Ken Helvorsen, Manager Rural Water District No.1 P.O. Box 98 Bennet, NE 68317

Reference: Potential New Water Users (6 units)

SB1/4SE1/4 19-8-7

Dear Ken:

We have reviewed the proposed new users and it is our opinion that the addition of these services will not have a significant impact upon the existing level of service being provided the present customers.

The anticipated pressure range is calculated as listed below:

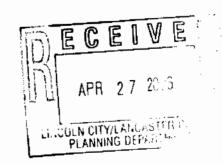
Customer	Line No.	U.S.G.S. Elev.	Anticipated Pressure Range
Safe Harbour	326	1270	85 – 95 psi

If you have any questions or comments, please call.

Sincerely,

McIntyre Consulting

Ted J. McIntyre, PE

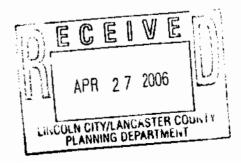


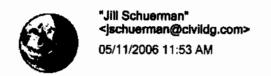
Preliminary Estimate of Construction Costs
Water Service to Subdivision So. 38th & Martell Road
Rural Water District No.1, Lancaster
April 3, 2008

ltem		Estimated	Unit	
No.	Description	Quantity Unit	Price	Amount
1	3" PVC Water Main	1,900 LF	\$5.00	\$9,500
2	3" Valve & Box	2 EA	\$800	\$1,600
3	Connect to Existing System	2 EA	\$1,500	\$3,000
4	County Road Crossing, 8" "Enc.	2 EA	\$6,000	\$12,000
5	End-of-line Flushout	2 EA	\$1,500	\$3,000
6	Flushing, Chlorination & Testing	1 EA	\$1,000	\$1,000
7	Contingencies	1 LS	\$3,000	\$3,000
	Subtotal Construction	,	45/505	\$33,100
8	Essements & Permits		\$250	400,100
9	Construction Observation		\$250	
10	Legal		\$500	
11	Engineering		\$500	
12	RWD Administrative Costs		\$500	
	Subtotal Construction Overhead		4000	\$2,000
	Total			\$35,100

DOES NOT INCLUDE COSTS FOR ANY PERMITS OR SPECIAL CONSTRUCTION REQUIRED ON ABANDONED RR PROPERTIES

Prepared By: McIntyre Consulting 4131 So. 38th Street Lincoln, NE 68506 402-489-4994





To "Dan Meyer" <Dan.Meyer@doane.edu>, "Mike DeKalb" <mdekalb@lincoln.ne.gov>

cc <meckert@civildg.com>

bcc

Subject FW: Ponderoca Crossing

Dan & Mike – Attached is an email we received from Dan Schulz of the Lower Platte South Natural Resources District. They want to wait on the approval of our access until we have approval from your entities. If you want a letter from Dan stating this we can request it, just let me know. Thanks!

Jill D. Schuerman

Civil Design Group, Inc.

From:Mike Eckert [mailto:meckert@civildg.com]

Sent: Thursday, May 11, 2006 11:08 AM

To: Jill Schuerman

Subject: FW: Ponderoca Crossing

FYI.

Mike Eckert, Civil Design Group

From: Dan Schulz [mailto:dan@lpsnrd.org] Sent: Thursday, May 11, 2006 9:43 AM

To: meckert@civildg.com Subject: Ponderoca Crossing

Mike,

Last night the subcommittee decided to defer until the development was approved by Roca & LancasterCounty. I did not sense they were uncomfortable in granting an easement they primarily wanted to wait for the other approvals

before having the District's legal counsel work on/review the easement.

Let me know if you need a letter from the District.

# <u>Lancaster</u> County

### **DON R. THOMAS - COUNTY ENGINEER**



# Engineering

DEPUTY- LARRY V. WORRELL COUNTY SURVEYOR

# <u> Department</u>

DATE:

May 2, 2006

TO:

Mike DeKalb

Planning Department

FROM:

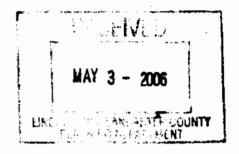
Larry V. Worrell

County Surveyor

SUBJECT:

PONDEROCA CROSSING PRELIMINARY PLAT

CZ06030



This office has reviewed subject development and recommend denial of the change of zone. The development does not abut paved roads and does not conform to the comprehensive plan land use.

Should this development move forward, the following items need to be addressed:

- 1) General Note No. 7 shall be modified to provide notification to the County prior to laying of rock not gravel.
- 2) General Note No. 8 shall include one Stop sign and one No Outlet sign.
- South 38<sup>th</sup> Street shall be shown correctly as it parallels the abandoned railroad right-of-way.
- 4) The right-of-way dedication shall be shown as 60 feet on both Martell Road and South 38<sup>th</sup> Street.
- 5) The boundary of the plat shall extend to the section line on South 38<sup>th</sup> Street.

LVW/DP/pb Phyllis/zone/#06030.Mem.

05/08/2006 9:26:59 AM Status of Review: Approved **ANY** Reviewed By Health Department Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT INTER-OFFICE COMMUNICATION □□ TO:□Mike DeKalb□□□DATE:□□May 5, 2006 DEPARTMENT: Planning B FROM: B Chris Schroeder 0000000000 □ATTENTION:□□□□□□DEPARTMENT:□Health CARBONS TO: EH File SUBJECT: DPonderoca Crossing □□□EH Administration□□□□PP #06006 CZ #06030 00000000 The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted: LiThe developer has adequately addressed potable water issues. The developer proposes the use of Lancaster Rural Water for potable water supply. The developer has adequately addressed on-site wastewater treatment system issues. The developer proposes the use of sub-surface fields or lagoons if percolation tests do not allow sub-surface systems. The developer states that each lot meets the 3 acre net rule in the event that lagoons are required. □The developer has informed the LLCHD that an existing dwelling will be removed from the site. □Prior to demolition or renovation of any existing commercial or residential structure an asbestos survey must be conducted and ten or more working days prior to demolition/renovation a notification of demolition must be provided to the LLCHD. These are federal Environmental Protection Agency (EPA) requirements related to asbestos removal/demolition activities. The EPA does allow for one residential building exemption with four or fewer dwelling units per owner/operator. Documentation related to this matter should be submitted to Harry LeDuc with the LLCHD at 3140 N Street, Lincoln, NE 68510. Mr. LeDuc can be contacted at 441-8034. All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter. During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include,

of ground cover will also be incorporated as necessary.

but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance



AREA 2 SERVICE CENTER R.R. 1 80X 56 ROCA, NEBRASKA 68430 402/423-3855 FAX 402/423-8090

May 3, 2006

Mike Dekalb, Project Planner 555 S. 10<sup>th</sup> St. #213 Lincoln, NE 68508

**RE: Ponderoca Crossings** 

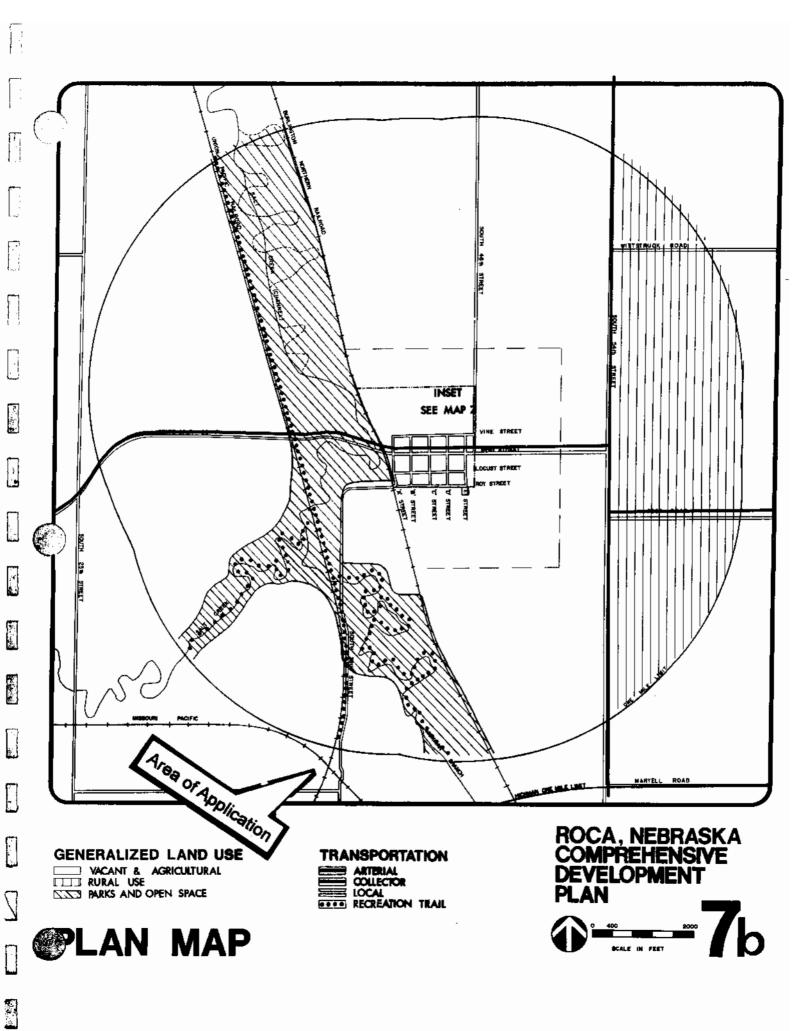
Dear Mike.

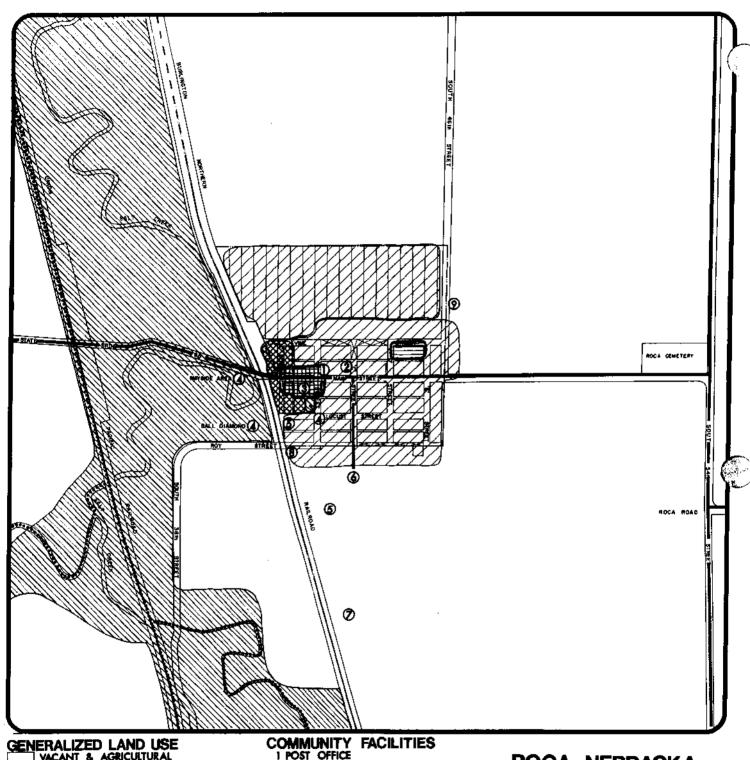
I have reviewed the subject plat. Easements are in place as we would hope. However, depending on my design we may have some problems with the tree masses " to remain" particularly at the west end of lot 2, block 2. That easement may not be accessible because of those trees. A "common sense" design may call for bringing cable across the M.P.R.R. ROW and back out to 38<sup>th</sup> St. making the tree mass a potential problem. Admittedly, it's to early to call until the developer gets to final grade and we can see what things look like.

Thanks for your consideration.

Sincerely.

Rick Volmer. Staking Engineer







COMMUNITY FACILITIES

1 POST OFFICE
2 CHURCH
3 COMMUNITY BUILDING
4 PARK
5 WELLS
6 COUNTY MAINTENANCE GARAGE
7 SEWAGE LAGOON
8 SEWAGE LIFT STATION
9 FUTURE WATER STORAGE

ROCA, NEBRASKA COMPREHENSIVE DEVELOPMENT PLAN



